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January 27, 2016

BY ECF

Honorable Shira A. Scheindlin
United States District Judge
United States District Court
500 Pearl Street
New York, NY 10007

Re: U.S. v. DiTomaso
14 CR 160 (SAS)

Dear Judge Scheindlin:

We write to supplement our letter previously submitted regarding the deterioration of the attorney client relationship between myself and Mr. DiTomaso. In addition to the information previously provided, we write now to inform the Court of the following:

In phone calls to his uncle, Robert Marcus, Mr. DiTomaso states as follows:

- 1) "Wait until I see this jew cocksucker tomorrow. His life is going to depend on it literally. I'm ready to stab him in his fucking throat. He's working so hard to keep me in jail." December 1, 2015, 18:51:58PM, Phone call to Robert Marcus
- 2) "You lie to me again, I'll bash your fucking head in. I don't care anymore." December 2, 2015, 18:54:31 PM, Phone call to Robert Marcus (discussing upcoming legal visit)
- 3) "What would it take to file conspiracy charges on Lee?" December 6, 2015, 17:30:16 PM, Phone call to Robert Marcus
- 4) "What's going to happen on Saturday is I'm going to aggravate the shit out of him, see how he likes it. And he's going to give me more stuff to put down on how he perjured himself in court, how he's working with the government, how he's working with the government, how he's working with Devens, how he's working with Kissin. December 9, 2016, 19:34:21 PM, Phone call to Robert Marcus (discussing upcoming legal visit).¹

¹ These phone calls are from a disk recently provided by the Government which contain the MDC phone calls from November and December 2015. The four phone calls referenced are only a sampling of the types of statements Mr. DiTomaso makes to his uncle regarding my representation of him and his feelings about me.

As the Court is aware, the relationship between Mr. DiTomasso and myself has deteriorated significantly since the competency hearing in this matter. As stated in my previous letter, Mr. DiTomasso has threatened me based on my handling his case. However, after listening to the recent MDC phone calls (November 2015 to December 2015), it is now clear that Mr. DiTomasso specifically believes that I have sabotaged his bail hearing, sabotaged his competency hearing by conspiring to commit perjury with Dr. Kissin, and is now left with no choice but to resort to violence. Under these circumstances, I am once again left with no choice but to put the Court on notice of this conduct and request to be relieved as counsel.

Respectfully Submitted,

/s/ Lee A. Ginsberg

Lee A. Ginsberg

cc: All counsel (by ECF)